



Crl.O.P.No.29841 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.29841 of 2022

and

Crl.M.P.No.18294 of 2022

Velu @ Murugan

... Petitioner

VS

State represented by
The Inspector of Police,
Kalapet Police Station,
Puducherry.
Crime No.75 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order dated 07.11.2022 in Cr.M.P.No.3107 of 2022 in Cr.M.P.No.2703 of 2022 by the Principal Sessions Judge at Puducherry and consequently, dismiss the Cr.M.P.No.3107 of 2022 in Cr.M.P.No.2703 of 2022 in Crime No.75 of 2022.

For Petitioner : Mr.T.Saikrishnan

For Respondent : Mr.Balamurugane,
Public Prosecutor (Pondicherry)



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ORDER

This Criminal Original Petition has been filed to to set aside the order dated 07.11.2022 in Cr.M.P.No.3107 of 2022 in Cr.M.P.No.2703 of 2022 passed by the Principal Sessions Judge at Puducherry.

2. The main grievance of the petitioner is that the learned Principal Sessions Judge, Puducherry, before cancelling the anticipatory bail in Cr.M.P.No.3107 of 2022 in Crl.M.P.No.2703 of 2022 dated 07.11.2022, no notice was served on the petitioner/accused.

3. The learned Public Prosecutor (Pondicherry) appearing for the respondent opposed this petition on the ground that notice was served on the counsel of the petitioner/accused but there was no representation on behalf of the petitioner/accused. Therefore, cancellation of anticipatory bail petition was disposed on merits.



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4. This Court, on going through the impugned order finds that notice was issued only to the counsel of the petitioner/accused. The petitioner/accused now claims that filing of this cancellation of anticipatory bail was not intimated by the counsel to him. The Notice in Cancellation of Bail/Anticipatory Bail, should be given to the party concerned and that is not done in this case. Therefore, the order passed by the Principal Sessions Judge at Puducherry in Cr.M.P.No.3107 of 2022 in Cr.M.P.No.2703 of 2022 dated 07.11.2022 is hereby set aside. The learned Principal Sessions Judge is directed to issue notice to the petitioner/accused and dispose of the petition filed for Cancellation of Anticipatory Bail on merits and in accordance with law.

5. With the above directions, this Criminal Original Petition stands disposed of. Consequently, connected Criminal Miscellaneous Petition is closed.

12.12.2022

Internet: Yes
Index: Yes/No

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Speaking/Non speaking order
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G.CHANDRASEKHARAN, J.

shk

To

1. The Principal Sessions Judge,
Puducherry.
- 2.The Inspector of Police,
Kalapet Police Station,
Puducherry.
- 3.The Public Prosecutor,
Puducherry.

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